

REMARKS

The document is in response to the Final Office Action mailed April 18, 2005. Claims 1-17, 19-20 and 23-31 are pending in the application. Claims 2-5, 8, 10, 12 and 13 are withdrawn, claims 6, 7, 14-17, 19, 20, 23-28 and 31 are allowed and claims 1, 9, 11, 29 and 30 are rejected. Applicants respond to the rejection of claims 1, 9, 11, 29 and 30 and to the Office Action as follows.

Response to Objection to claim 31

Claim 31 was objected to based upon the preamble "The assembly". Applicants have amended claim 31 to read "The combination" so that claim 31 is consistent with the preceding preamble claim language. Withdrawal of the objection to claim 31 is respectfully requested.

Response to Claim Rejections - 35 U.S.C. § 102

Claims 1, 9, 29 and 30 were rejected under 35 U.S.C. 102(b) as being anticipated by Yoshizawa et al. JP 2-50379.

Claims 1, 9, 29 and 30 recite *inter alia*:

a flow controller . . . including a flow gate having a leading edge having a **plurality of rows** of radially spaced **inlets** and a trailing edge including a **plurality of rows** of radially spaced **outlets** and the flow gate including a **plurality of rows** of radially spaced **streamline flow passages** between the plurality of rows of inlets at the leading edge and the plurality of rows of radially spaced outlets at the trailing edge

- A. Claims 1, 9, 29 and 30 were rejected without consideration of each of the recited claim limitations.

Claims 1, 9, 29 and 30 were rejected on that basis that

Yoshizawa et al. discloses "a plurality of radially spaced streamline flow passages (12)". Claims 1, 9, 29 and 30 recite a plurality of **rows** of radially spaced streamlines flow passages.

Webster's Dictionary defines a row as

"a number of objects . . . or a horizontal arrangement of items". A **plurality** of rows thus refers to a plurality of horizontally arranged items or rows and not just one row.

Claims 1, 9, 29 and 30 each require a plurality of **rows** of streamlines flow passages not just a plurality of streamline flow passages as set forth in the Office Action. FIG. 2 of Yoshizawa illustrates a plurality of holes formed in spoiler teeth 13 between discs (1) and (8) but fails to teach a flow gate including a plurality of **rows** of streamlines flow passages as claimed.

B. Each element or limitation in a claim must be considered with respect to patentability.

As discussed above, claims 1, 9, 29 and 30 recite a plurality of rows of streamlined flow passages. For example, Applicants' specification discloses flow gate structures including multiple rows of flow passages including a flow gate in FIG. 3-1, including three rows of flow passages 122-2 and a flow gate in FIG. 3-2 and FIG. 3-3, including four rows of flow passages 122-2.

The plurality of rows of flow passages as disclosed in Applicants' specification provide a more laminar flow along the flow field to reduce turbulence or excitation of the suspension components. This is not taught by Yoshizawa. In Yoshizawa, the spoiler provides air resistance. Resistance tends to increase turbulent flow. As described in the translation of Yoshizawa, the air resistance is comparatively larger or higher for discs (2)-(7)

than the air resistance provided by spoiler teeth 13 between discs (1) and (8) to provide a more uniform temperature among the discs.

Yoshizawa teaches a spoiler to provide air resistance in contrast to a flow gate structure including rows of streamlined flow passages to reduce turbulent flow.

Recitation in the claims of a plurality of rows requires more than one row. Rejection of claims based upon a plurality of streamlined flow passages fails to consider the plurality of rows of streamlined flow passages claim limitation.

Based upon the foregoing, the rejection of claims 1, 9, 29 and 30 based upon a plurality of flow passages must be withdrawn.

Response to Claim Rejections - 35 U.S.C. § 103

Claim 11 was rejected under 35 U.S.C. § 103 as being unpatentable over Yoshizawa. Claim 11 is dependent upon claim 1 which is allowable over Yoshizawa as discussed above and based upon the additional claim limitations of claim 11. Reconsideration and allowance of claim 11 is respectfully requested.

New claim 32 is added. Favorable consideration thereof is respectfully requested.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,

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